

## **REMARKS**

Upon entry of this amendment, claims 1, 2, 4, 7-14, 17, 18, 22-26, 28-31, 34-36, 38-41, 44 and 46-48 are all the claims currently pending. Claim 45 has been canceled by this amendment, and claims 46-48 have been added as new claims. No new matter has been added.

### **I. Objections to the Specification**

The Examiner has objected to the specification as allegedly failing to provide proper antecedent basis for the subject matter recited in claims 1, 25 and 35. In particular, the Examiner has indicated that there is no support for the use of the term “only” in the claimed feature drawn to a total nullifying unit, which destroys data “only when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity”.

In order to expedite prosecution, Applicants note that the term “only” has been removed from the above-noted feature in claims 1, 25 and 25, thereby rendering the above-noted objection moot.

### **II. Claim Objections**

Claims 2 and 7-14 were objected to due to minor informalities. In particular, the Examiner has indicated that there are two judging units in claim 1, and that it is not clear which judging unit is being referred to in claims 2 and 7-14. By this amendment, Applicants note that claim 1 has been amended to recite the feature of “a first judging unit operable to judge, for each data block of the target data, whether the data block needs to be nullified”, and that claims 2 and 7-14 have been amended so as to refer to the “first judging unit”.

In view of the foregoing, Applicants kindly request that the above-noted objection to the claims be reconsidered and withdrawn.

### **III. Claim rejections under 35 U.S.C. § 112, first paragraph**

Claims 1, 2, 4, 7-14, 17, 18, 22-26, 28-31, 34-36, 38-41, 44 and 45 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement for the same reasons as discussed above with respect to the objections to the specification. As noted above, claims 1, 25 and 35 have been amended so as to remove the term “only” from the claimed feature drawn to a total nullifying unit, which destroys data “only when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity”

In view of the foregoing, Applicants kindly request that the above-noted rejection under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

### **IV. Claim Rejections under 35 U.S.C. § 101**

Claims 1, 2, 7-14, 17, 18 and 22-24 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Without acquiescing to the Examiner’s position, in order to expedite prosecution, Applicants note claim 1 has been amended such that this claim is now drawn to a “computing device comprising: a processor; and a data nullification device”. Applicants note that a processor is clearly not a piece of software, and therefore, claim 1 clearly cannot be considered as being directed to merely a program listing per se.

Accordingly, Applicants respectfully submit that claim 1, and dependent claims 2, 7-14, 17, 18 and 22-24 are drawn to statutory subject matter under 35 U.S.C. 101, and kindly request that the Examiner reconsider and withdraw the rejection.

#### **IV. Claim Rejections under 35 U.S.C. § 103**

A. Claims 1, 2, 4, 7, 8, 12-14, 22-26, 28, 31, 35, 36, 38 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita (US 6,694,022) in view of Masinter (US 5,742,807), and further in view of Yohe et al. (US 2003/0050996).

Claim 1 recites the features of a sequential nullifying unit operable to destroy only a part of a data block judged as needing to be nullified, the part including data necessary to utilize remaining parts of the data block; a processing capacity judging unit operable to judge whether the data nullification device has a processing capacity sufficient to destroy all data which is judged as needing to be nullified; and a total nullifying unit operable to destroy data which is included in the data block judged as needing to be nullified and is not destroyed by the sequential nullifying unit, when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity. Applicants respectfully submit that the applied prior art references do not teach or suggest the above-noted combination of features recited in claim 1.

Regarding the Matsushita reference, Applicants note that this reference discloses that when a stored digital broadcast is read, upon detecting a “copy-disallowance signal”, the digital broadcast is simultaneously erased by overwriting the broadcast data with “0” (see col. 7, lines 18-24 and col. 6, lines 51-54).

Regarding the Masinter reference, Applicants note that this reference discloses that an entire document can be made unreadable by only erasing a one-way hash key (see col. 2, lines 60-61).

Thus, Matsushita discloses the ability to overwrite all data of a stored digital broadcast, and Masinter discloses the ability to make an entire document unreadable by only erasing a one-way hash key.

Regarding the Yohe reference, Applicants note that this reference discloses the ability to determine a usage percentage of a processor (see paragraph [0086] and Fig. 23). As explained in Yohe, if the usage percentage of the processor is below a certain threshold, then compression of data takes place, but if the usage percentage of the processor is above the threshold, then compression of the data does not take place (see paragraph [0086]). Thus, in Yohe, based on the usage percentage of the processor, data compression either takes place or does not take place.

In the Office Action, the Examiner has taken the position that the combination of Matsushita, Masinter and Yohe would motivate one of ordinary skill in the art to destroy data based on a usage percentage of a processor (see Office Action at page 7). Applicants respectfully disagree.

In particular, Applicants submit that the combination of Matsushita, Masinter and Yohe does not suggest any type of relationship between the usage percentage of the processor and the destruction of data. In particular, with respect to Yohe, Applicants note that while this reference discloses the ability to determine whether data compression takes place based on processor usage, Applicants respectfully submit that it is unreasonable to take the position that such

disclosure would somehow motivate one of ordinary skill in the art to determine whether the destruction of data should take place based on the processor usage.

Instead, Applicants respectfully submit that the teaching of Yohe, if somehow applied to Matsushita and Masinter, would merely result in a device having the ability to (1) render a document unreadable by erasing a one-way hash key and (2) enable/disable data compression based on a determined usage percentage of the processor.

Moreover, it is noted that even if the Examiner maintains the position that the teaching of Yohe, in combination with Matsushita and Masinter, would somehow motivate one of ordinary skill in the art to destroy data based on a usage percentage of a processor (which Applicants disagree with for the reasons discussed above), Applicants respectfully submit that the combination of Matsushita, Masinter and Yohe would only result in a device having the ability to destroy all data upon a determination that the usage percentage of the processor is below a certain threshold.

In other words, Applicants submit that such a combination would not result in the ability to destroy only a part of a data block by a sequential nullifying unit, and then destroy the data which was not destroyed by the sequential nullifying unit based on the processing capacity, as recited in claim 1. In this regard, as noted above, Yohe merely discloses that data compression either takes place or does not take place based on the determined usage percentage of the processor.

In view of the foregoing, Applicants respectfully submit that the combination of Matsushita, Masinter and Yohe would not render obvious the above-noted features recited in claim 1 of a sequential nullifying unit operable to destroy only a part of a data block judged as

needing to be nullified, the part including data necessary to utilize remaining parts of the data block; a processing capacity judging unit operable to judge whether the data nullification device has a processing capacity sufficient to destroy all data which is judged as needing to be nullified; and a total nullifying unit operable to destroy data which is included in the data block judged as needing to be nullified and is not destroyed by the sequential nullifying unit, when the processing capacity judging unit judges that the data nullification device has the sufficient processing capacity.

Accordingly, Applicants respectfully submit that claim 1 is patentable over the cited prior art, an indication of which is kindly requested. Claims 2, 4, 7, 8, 12-14, 22-26, 28, 31, 34-36, 38, 41 and 44 depend from claim 1 and are therefore considered patentable at least by virtue of their dependency.

Regarding claims 25 and 35, Applicants note that both of these claims recite the features of a sequential nullifying step of destroying only a part of a data block judged as needing to be nullified, the part including data necessary to utilize remaining parts of the data block; a second judging step of judging whether a sufficient processing capacity exists to destroy all data which is judged as needing to be nullified; and a total nullifying step of destroying data which is included in the data block judged as needing to be nullified and is not destroyed in said sequential nullifying step, when said second judging step judges that there is sufficient processing capacity to destroy all data which is judged as needing to be nullified.

For at least similar reasons as discussed above with respect to claim 1, Applicants respectfully submit that the cited prior art references do not teach, suggest or otherwise render obvious at least the above-noted features recited in claims 25 and 35. Accordingly, Applicants

submit that claims 25 and 35 are patentable over the cited prior art, an indication of which is kindly requested. Claims 26, 28-31 and 34 depend from claim 25, and claims 36, 38-41 and 44 depend from claim 35. Accordingly, Applicants submit that these claims are patentable at least by virtue of their dependency .

B. Claims 9-11, 29, 30, 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Masinter and Yohe, and further in view of Garfinkle (US 5,400,402).

Claims 9-11 depend from claim 1; claims 29 and 30 depend from claim 25; and claims 39 and 40 depend from claim 35. Applicants respectfully submit that Garfinkle fails to cure the deficiencies of Matsushita, Masinter and Yohe, as discussed above, with respect to claims 1, 25 and 35. Accordingly, Applicants submit that claims 9-11, 29, 30, 39 and 40 are patentable at least by virtue of their dependency.

C. Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Masinter and Yohe, and further in view of Boyce (US 5,717,816).

Claims 17 and 18 depend from claim 1. Applicants respectfully submit that Boyce fails to cure the deficiencies of Matsushita, Masinter and Yohe, as discussed above, with respect to claim 1. Accordingly, Applicants submit that claims 17 and 18 are patentable at least by virtue of their dependency.

**V. New Claims**

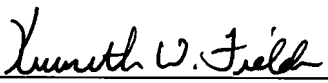
Claims 46-48 have been added as new claims. Claim 46 depends from claim 1; claim 47 depends from claim 25; and claim 48 depends from claim 35. Accordingly, Applicants submit that these claims are patentable at least for the reasons discussed above regarding claims 1, 25 and 35.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kaoru MURASE et al.

By:   
Kenneth W. Fields  
Registration No. 52,430  
Attorney for Applicants

KWF/ra  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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